

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SAMSUNG ELECTRONICS CO. LTD., a)	
Korean corporation, and SAMSUNG)	
TELECOMMUNICATIONS AMERICA, LLC,)	
a Delaware limited liability company,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 11-573-LPS
)	
APPLE INC., a California corporation,)	JURY TRIAL DEMANDED
)	
Defendant.)	

**DEFENDANT APPLE INC.'S UNOPPOSED MOTION FOR
STAY OF PROCEEDINGS PURSUANT TO 28 U.S.C. § 1659(a)**

Defendant Apple Inc. ("Apple") respectfully requests that the Court stay this case pursuant to 28 U.S.C. § 1659(a) until the determination of the United States International Trade Commission ("ITC") becomes final in a related case where the Plaintiffs have asserted the same five patents.

On June 28, 2011, one day before Plaintiffs filed the Complaint in this case, Plaintiffs filed a complaint with the ITC under Section 337 of the Tariff Act of 1930, asking the ITC to institute an investigation. Both the Complaint in this case and the ITC complaint allege that Apple infringes United States Patent Nos. 7,706,348 ("the '348 patent"), 7,486,644 ("the '644 patent"), 6,771,980 ("the '980 patent"), 6,879,843 ("the '843 patent"), and 7,450,114 ("the '114 patent"). On July 27, 2011, the ITC instituted an investigation (Inv. No. 337-TA-794) based on Plaintiffs' complaint.

Section 1659(a) provides, in part:

(a) Stay. In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a

respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within—

(1) 30 days after the party is named as a respondent in the proceeding before the Commission, or

(2) 30 days after the district court action is filed,

whichever is later.

28 U.S.C. § 1659(a). Because the ITC investigation involves the same patents as this case, and Apple is both the defendant in this action and the respondent in the ITC investigation, Apple requests that the Court stay proceedings pursuant to §1659(a) until the determination of the ITC becomes final. Counsel for Apple conferred with counsel for Plaintiffs and Plaintiffs do not oppose Apple's Motion to Stay.¹

Dated: August 2, 2011

/s/ Richard K. Herrmann

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¹ By filing this motion, Apple does not intend to waive its right to move to transfer this action pursuant to 28 U.S.C. §1404(a) after the determination of the Commission becomes final.